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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Letter dated 3 April 1996 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

I have the honour to submit, enclosed herewith*, the document entitled "Reaction of the Delegation of the Democratic People's Republic of Korea to the Stand of Japan on the Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy (E/CN.4/1996/53/Add.1)", and to ask you to kindly have it circulated as an official document of the fifty-second session of the Commission under item 9 (a).

(Signed) RI Tcheul
Permanent Representative

* The annex is reproduced in the language of submission only.

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ANNEX

Reaction of the Delegation of the Democratic People's Republic of Korea to the Stand of Japan on the Report of the Special Rapporteur on violence against women, its causes and consequences (E/CN.4/1996/53/Add.1

In accordance with resolution 1995/85 of 8 March 1995 entitled "The elimination of violence against women" adopted at the fifty-first session of the Commission on Human Rights, the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy and her team carried out a mission to the Democratic People's Republic of Korea, the Republic of Korea and Japan from 14 to 27 July 1995 and submitted a report (E/CN.4/1996/53/Add.1) to the fifty-second session of the Commission on Human Rights.

The DPRK delegation highly appreciates the work undertaken by the Special Rapporteur during the past year in pursuit of the tasks entrusted to her by the Commission and welcomes the report of the Special Rapporteur.

The DPRK delegation believes that the current session of the Commission will take an appropriate measure for implementation of the report.

The Japanese Government leaves no stone unturned to evade the State responsibility and the legal responsibility for the crimes against humanity it committed during the Second World War, which has been taken up as an issue of great concern to the international community.

Japan has dared to submit as an official document of the current session (E/CN.4/1996/137) its document which makes an outright denunciation of the Special Rapporteur's report and makes a complete negation of its crimes.

The DPRK delegation rejects the Japanese document and strongly condemns this attempt of Japan.

Japan conducted incessant aggression against Korea and other Asian countries from as early as the middle of the nineteenth century and occupied the Asian continent from 1905 to 1945, during which it committed all kinds of crimes and atrocities unprecedented in history.

In Korea alone, Japan massacred 1 million, forcibly drafted 6 million and forced about 200,000 women into more than slavery as "military sexual slaves".

One cannot write all the Japanese atrocities and crimes, even in thousands of pages, nor can one tell enough about them even in hundreds of days' time.

In Asia, unlike in Europe, the fear of the countries concerned and the international community grow deeper and deeper, since the crimes of Japan have not yet been finally and completely eliminated.

As long as the issue of the Japanese crimes remains unsettled, there can be no bright future in Asia.

The DPRK delegation draws the attention of the Commission to the following several points as regards the Japanese attempt not to accept its State and legal responsibilities for the crimes against humanity.

First, the Japanese Government must see Asia and the world with proper eyes and take responsible and sincere action in settling its crime issue.

Any attempt to skip over its State and legal responsibilities by way of purely plausible evasive words or action will never be tolerated.

Japan has not eliminated its crimes completely and conscientiously. Therefore, the issue of the Japanese crimes has been taken up as a serious issue in Asia, unlike in Europe, and is now placed on the United Nations table.

The Japanese Government must be aware of what great concern the unwillingness of Japan as to liquidation of its past crimes gives to the international community. The unwillingness concerning liquidation of the crimes can not be construed otherwise than as a dangerous intention to repeat such crimes.

The international community will follow whether or not the Japanese Government takes responsible and sincere action in order to settle the issue of its crimes finally and conscientiously with all victim countries.

Second, the Japanese Government has not yet made sincere apology to all victim countries and peoples for its crimes.

Mr. Hosokawa, former Japanese Prime Minister, once "acknowledged" that the past war was an "aggression war". But the expression of aggression war was soon amended as "aggression act". And now, Japan has gone so far as to say that the Pacific War was one for the sake of the Asian people.

The expression of "remorse" and "apologies" made by former Prime Ministers in recent years is nothing but an evasive expression made whenever there was such a necessity for their own interest, and it never constitutes an expression of sincere apology from the bottom of the heart.

The fact that the parliament of Japan rejected apology reveals that it is empty talk. Japan must make apology through its parliament to all the victim countries and peoples on the basis of acceptance of its legal responsibility for the crimes.

Third, the Japanese Government must take a correct approach towards international law.

The Japanese Government has a very dangerous standpoint on international law.

Now, the Japanese authorities abuse international law at their free will and misinterpret it intentionally in their favour, putting forward the

gangster logic that Japan is not legally responsible for the crimes because it did not accede to a treaty, or Japan does not have any legal responsibility because the treaty became effective after its commission of the crime.

According to the Japanese way of interpreting international law, it follows that any State can, simply because of non-accession to, for instance, the International Convention on the Elimination of All Forms of Racial Discrimination, practise racial discrimination freely and no one can blame the State for it.

If the Japanese way of interpreting international law is followed, how can we establish international order, how can we maintain the mode of conduct and morality among countries and peoples and how can we make peace and stability?

Such a way of interpreting and such an attitude to international law is a matter which will deserve serious deliberation at the United Nations International Law Commission.

The Japanese crimes against humanity are facts known by history and the world.

Japan insists that the issues of war crimes were settled "finally and completely" by the San Francisco Treaty and certain bilateral treaties.

The DPRK delegation makes it clear that the San Francisco Conference in 1951 and the Treaty adopted at the Conference did, in essence, pursue not the purpose of properly and thoroughly eliminating the Japanese war crimes, but the purpose of paving a smooth road for reviving Japanese militarism. The Conference even ruled out the participation of the major victim countries.

And the bilateral treaties concluded merely with a limited number of victim countries were not in fact established on the basis of true acceptance of full responsibility and conscience on the part of Japan.

After all, Japan has not settled the issue of its crimes finally and completely with all victim countries.

Fourth, the Japanese Government must make thorough compensation to all victim countries and peoples.

Japan must make State compensation in pursuit of its State responsibility and legal responsibility for its crimes. It is very natural that the crimes committed by a State are compensated by the State.

State compensation is the only way of demonstrating by practical deed the will of Japan to accept the State responsibility for the crimes and to eliminate them.

Compensation must be thorough and sincere.

The compensation made by Japan in the past to certain victim countries was not thorough enough to correspond to the scope of the crimes, nor was it sincere on the basis of full responsibility for the crimes.

The "Asian Women's Fund" established by the Japanese Government constitutes another insult to the victims and a challenge to the compensation demand by the victim countries.

The essence of the "Fund" is that Japan will not assume State responsibility for its crimes and it will offset the unprecedented crimes against humanity by a small amount of funds of a civil character donated by the Japanese people.

The DPRK delegation categorically denounces and rejects the evasive attitude of the Japanese Government reflected in the "Fund".

The DPRK cannot allow nor tolerate the irresponsible and insincere stand and attitude of the Japanese Government towards its crimes against humanity.

As long as Japan does not completely eliminate its crimes, it will forever remain an "enemy State" and criminal State, as is defined in the Charter of the United Nations.